



Reprinted  
February 20, 2002

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## ENGROSSED SENATE BILL No. 10

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DIGEST OF SB 10 (Updated February 19, 2002 3:10 PM - DI 106)

**Citations Affected:** IC 35-41; IC 35-42; IC 35-47.

**Synopsis:** Aircraft offenses. Specifies that a person may not be placed in legal jeopardy for using reasonable force to protect the person or a third person. Allows a person to use reasonable force to stop another person from hijacking or otherwise seizing unlawful control of an aircraft in flight. Makes it a Class D felony for a person to enter a secured area of an airport. Makes it a Class A felony for a person to use force or violence to hijack an aircraft in flight. Makes it a Class B felony for a person to commit criminal confinement on an aircraft.

**Effective:** July 1, 2002.

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**Meeks C, Hershman, Waterman,  
Wyss**  
(HOUSE SPONSOR — STURTZ)

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November 20, 2001, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

January 24, 2002, reported favorably — Do Pass.

January 28, 2002, read second time, ordered engrossed.

January 29, 2002, engrossed.

February 1, 2002, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Judiciary.

February 14, 2002, reported — Do Pass.

February 19, 2002, read second time, amended, ordered engrossed.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## ENGROSSED SENATE BILL No. 10

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 35-41-3-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) A person is  
3 justified in using reasonable force against another person to protect  
4 ~~himself the person~~ or a third person from what ~~he the person~~  
5 reasonably believes to be the imminent use of unlawful force.  
6 However, a person is justified in using deadly force only if ~~he the~~  
7 **person** reasonably believes that that force is necessary to prevent  
8 serious bodily injury to ~~himself the person~~ or a third person or the  
9 commission of a forcible felony. No person in this state shall be placed  
10 in legal jeopardy of any kind whatsoever for protecting ~~himself the~~  
11 **person** or ~~his family~~ **a third person** by reasonable means necessary.  
12 (b) A person is justified in using reasonable force, including deadly  
13 force, against another person if ~~he the person~~ reasonably believes that  
14 the force is necessary to prevent or terminate the other person's  
15 unlawful entry of or attack on ~~his the person's~~ dwelling or curtilage.  
16 (c) With respect to property other than a dwelling or curtilage, a

ES 10—LS 6005/DI 106+



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person is justified in using reasonable force against another person if ~~he the person~~ reasonably believes that the force is necessary to immediately prevent or terminate the other person's trespass on or criminal interference with property lawfully in ~~his the person's~~ possession, lawfully in possession of a member of ~~his the person's~~ immediate family, or belonging to a person whose property ~~he the person~~ has authority to protect. However, a person is not justified in using deadly force unless that force is justified under subsection (a). ~~of this section.~~

(d) **A person is justified in using reasonable force, including deadly force, against another person if the person reasonably believes that the force is necessary to prevent or stop the other person from hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight. For purposes of this subsection, an aircraft is considered to be in flight while the aircraft is:**

**(1) on the ground in Indiana:**

**(A) after the doors of the aircraft are closed for takeoff; and**

**(B) until the aircraft takes off;**

**(2) in the airspace above Indiana; or**

**(3) on the ground in Indiana:**

**(A) after the aircraft lands; and**

**(B) before the doors of the aircraft are opened after landing.**

(e) Notwithstanding subsections (a), (b), and (c), ~~of this section,~~ a person is not justified in using force if:

(1) ~~he the person~~ is committing or is escaping after the commission of a crime;

(2) ~~he the person~~ provokes unlawful action by another person with intent to cause bodily injury to the other person; or

(3) ~~he the person~~ has entered into combat with another person or is the initial aggressor unless ~~he the person~~ withdraws from the encounter and communicates to the other person ~~his the~~ intent to do so and the other person nevertheless continues or threatens to continue unlawful action.

**(f) Notwithstanding subsection (d), a person is not justified in using force if the person:**

**(1) is committing, or is escaping after the commission of, a crime;**

**(2) provokes unlawful action by another person, with intent to cause bodily injury to the other person; or**



**(3) continues to combat another person after the other person withdraws from the encounter and communicates the other person's intent to stop hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight.**

SECTION 2. IC 35-42-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. **(a)** A person who knowingly or intentionally:

- (1) confines another person without the other person's consent; or
- (2) removes another person, by fraud, enticement, force, or threat of force, from one (1) place to another;

commits criminal confinement. **Except as provided in subsection (b), the offense of criminal confinement is a Class D felony. However;**

**(b)** The offense of criminal confinement defined in subsection (a) is:

- (1)** a Class C felony if the ~~other~~ person **confined or removed** is less than fourteen (14) years of age and is not the **confining or removing** person's child; and

- (2)** a Class B felony if it:

- (A)** is committed while armed with a deadly weapon; ~~or~~
- (B)** results in serious bodily injury to ~~another~~ a person **other than the confining or removing person; or**
- (C) is committed on an aircraft.**

SECTION 3. IC 35-47-6-1.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1.4. **(a)** This section does not apply to a person who is:

- (1)** employed by:
  - (A)** an airport;
  - (B)** an airline; or
  - (C)** a law enforcement agency; and
- (2)** acting lawfully within the scope of the person's employment.

**(b)** A person who knowingly or intentionally enters an area of an airport to which access is controlled by the inspection of persons or property without submitting to the inspection commits a Class A misdemeanor.

SECTION 4. IC 35-47-6-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1.6. **(a)** A person who knowingly or intentionally uses force or violence or the threat of force or violence to disrupt the operation of an aircraft commits a Class B felony.



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1       (b) A person who knowingly or intentionally uses force or  
2       violence or the threat of force or violence to hijack an aircraft in  
3       flight commits a Class A felony.

4       (c) For purposes of this section, an aircraft is considered to be  
5       in flight while the aircraft is:

6       (1) on the ground in Indiana:

7       (A) after the doors of the aircraft are closed for takeoff;  
8       and

9       (B) until the aircraft takes off;

10      (2) in the airspace above Indiana; or

11      (3) on the ground in Indiana:

12      (A) after the aircraft lands; and

13      (B) before the doors of the aircraft are opened after  
14      landing.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 10, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 10 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 5, Nays 3.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 10, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STURTZ, Chair

Committee Vote: yeas 10, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that Senate Bill 10 be amended to read as follows:

Page 2, line 10, after "(d)" insert **"A person is justified in using reasonable force, including deadly force, against another person if the person reasonably believes that the force is necessary to prevent or stop the other person from hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight. For purposes of this subsection, an aircraft is considered to be in flight while the aircraft is:**

**(1) on the ground in Indiana:**

**(A) after the doors of the aircraft are closed for takeoff; and**

**(B) until the aircraft takes off;**

**(2) in the airspace above Indiana; or**

**(3) on the ground in Indiana:**

**(A) after the aircraft lands; and**

**(B) before the doors of the aircraft are opened after landing.**

**(e)".**

Page 2, after line 20, begin a new paragraph and insert:

**"(f) Notwithstanding subsection (d), a person is not justified in using force if the person:**

**(1) is committing, or is escaping after the commission of, a crime;**

**(2) provokes unlawful action by another person, with intent to cause bodily injury to the other person; or**

**(3) continues to combat another person after the other person withdraws from the encounter and communicates the other person's intent to stop hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight."**

SECTION 2. IC 35-42-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. **(a)** A person who knowingly or intentionally:

**(1) confines another person without the other person's consent; or**

**(2) removes another person, by fraud, enticement, force, or threat of force, from one (1) place to another;**

**commits criminal confinement. Except as provided in subsection (b), the offense of criminal confinement is a Class D felony. However;**

**(b) The offense of criminal confinement defined in subsection (a) is:**

ES 10—LS 6005/DI 106+



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(1) a Class C felony if the ~~other~~ person **confined or removed** is less than fourteen (14) years of age and is not the **confining or removing** person's child; and

(2) a Class B felony if it:

(A) is committed while armed with a deadly weapon; ~~or~~

(B) results in serious bodily injury to ~~another~~ a person **other than the confining or removing person; or**

(C) **is committed on an aircraft.**

SECTION 3. IC 35-47-6-1.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 1.4. (a) This section does not apply to a person who is:**

(1) **employed by:**

(A) **an airport;**

(B) **an airline; or**

(C) **a law enforcement agency; and**

(2) **acting lawfully within the scope of the person's employment.**

(b) **A person who knowingly or intentionally enters an area of an airport to which access is controlled by the inspection of persons or property without submitting to the inspection commits a Class A misdemeanor.**

SECTION 4. IC 35-47-6-1.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 1.6. (a) A person who knowingly or intentionally uses force or violence or the threat of force or violence to disrupt the operation of an aircraft commits a Class B felony.**

(b) **A person who knowingly or intentionally uses force or violence or the threat of force or violence to hijack an aircraft in flight commits a Class A felony.**

(c) **For purposes of this section, an aircraft is considered to be in flight while the aircraft is:**

(1) **on the ground in Indiana:**

(A) **after the doors of the aircraft are closed for takeoff; and**

(B) **until the aircraft takes off;**

(2) **in the airspace above Indiana; or**

(3) **on the ground in Indiana:**

(A) **after the aircraft lands; and**

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**(B) before the doors of the aircraft are opened after landing."**

(Reference is to ESB 10 as printed February 15, 2002.)

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